

28 December 1973

MEMORANDUM FOR: [redacted]

AT SUBJECT : [redacted]

STA

1. See attached a memorandum of 28 February by me concerning the availability of CIA personnel files. As my memorandum indicates, it is arguable that the Civil Service regulation in this field is not applicable to this Agency but I believe we could not sustain this in the event of litigation, and in any event, I think we should not stand on it. To put it another way, it is fair that employees and former employees be given access to their personnel files. The Civil Service regulation provides that employees and former employees are to be given access to their folders but that "disclosure must be in the presence of a representative of the agency having physical custody of the folder."

2. With reference to [redacted] request for declassification of his personnel file and in light of the above, I believe the practical response to him is to offer to him the opportunity to review his file in the presence of an Agency representative and initially, at least, to refrain from considering the question of declassification. If he comes in and examines his file and asks for copies of all or a part of it, we could then consider the declassification request and also the applicability of Exemption No. 6 of the Freedom of Information Act concerning personnel files.

3. I also think that a basic principle we should follow in responding to [redacted] is to go slow. The faster we reply to him the more he is likely to press forward with requests or additional requests. I suggest therefore that we finalize a reply to him such as the attached proposal but to hold it for release in mid-January.

OGC: RHL: cav

Orig - [redacted]
1 - [redacted]

[redacted]
Associate General Counsel

Atts ✓ 1 - OGC SUBJ: RECORDS (not indexed) see OGC 73-0337 dtd
1 - RHL Signer, & 1 - Chrono 28 Feb. 73

STA

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

AT



AT
Dear [redacted]

This is in response to your request of 10 December 1973 to have your personnel records declassified and made available to you.

Consistent with Civil Service regulations, you may review your personnel file, but disclosure "must be in the presence of a representative of the agency having physical custody of the folder". Accordingly, if you will contact Mr. [redacted] on [redacted], he will be glad to arrange for you to come in and review your folder.

Yours very truly,

Angus MacLean Thuemer
Assistant to the Director